

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

REGINALD DRAUGHN,
Plaintiff,

v.

**THE HONORABLE THOMAS
P. MCCABE, et al.,**

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Case No. 2:25-cv-00531-JDW

ORDER

AND NOW, this 10th day of June, 2025, upon statutory screening pursuant to 28 U.S.C. § 1915A of Plaintiff Reginald Draughn's Third Amended Complaint (ECF No. 38), for the reasons stated in the accompanying Memorandum, it is **ORDERED** as follows:

1. The Fourteenth Amendment excessive use of force claims against Officers Little, Guldan, Carroll, Hirsch, and Corporal Gunthrie are **DISMISSED WITHOUT PREJUDICE** pursuant to 28 U.S.C. §1915A;

2. The portion of the Third Amended Complaint seeking to dismiss the state criminal claims against him are **DISMISSED WITHOUT PREJUDICE** pursuant to 28 U.S.C. § 1915A; and

3. Mr. Draughn's Fourteenth Amendment excessive use of force claims against Defendants Officer Dick and Lieutenant Dioreo will proceed past statutory screening.

It is **FURTHER ORDERED** that the Clerk Of Court shall send Mr. Draughn a blank copy of the Court's standard form complaint for prisoners to use to file a complaint bearing the above civil action number. Mr. Draughn may file an amended complaint on

or before July 11, 2025, if he can cure the defects that I have identified with respect to his Fourteenth Amendment Claims against Officers Little, Guldán, Carroll, and Hirsch and Corporal Gunthrie. Any amended complaint shall identify all defendants in the caption of the amended complaint in addition to identifying them in the body of the amended complaint, shall state the basis for Mr. Draughn's claims against each defendant, and shall bear the title "Fourth Amended Complaint" and the case number 25-531. If Mr. Draughn files an amended complaint, his amended complaint must be a complete document that includes all the bases for his claims, including claims that I have not yet dismissed, if he seeks to proceed on those claims. **I will not consider claims that Mr. Draughn does not include in the amended complaint, including the Fourteenth Amendment excessive use of force claims against Lt. Dioreo and Officer Dick.** This means that Mr. Draughn must reassert the above claims against Lt. Dioreo and Officer Dick if he wants to pursue those claims. Mr. Draughn may not assert a claim that I have already dismissed with prejudice. When drafting his amended complaint, Mr. Draughn should be mindful of my reasons for dismissing the claims in his initial Complaint, Second Amended Complaint, and Third Amended Complaint, as explained in Memoranda I have written. Upon the filing of an amended complaint, the Clerk shall not make service until I so order.

If Mr. Draughn does not file an amended complaint the Court will direct service of his Third Amended Complaint on Lt. Dioreo and Officer Dick **only**. Mr. Draughn may also notify the Court that he seeks to proceed on these claims rather than file an amended

complaint. If he files such a notice, Mr. Draughn is reminded to include the case number for this case, 25-531.

It is **FURTHER ORDERED** that the time to serve process under Federal Rule of Civil Procedure 4(m) is **EXTENDED** to the date 90 days after the Court issues summonses in this case, if summonses are issued.

It is **FURTHER ORDERED** that, for reasons stated in the accompanying Memorandum, Mr. Draughn's Motion To Dismiss (ECF No. 35) is **DENIED**.

BY THE COURT:

/s/ Joshua D. Wolson

JOSHUA D. WOLSON, J.